

United States District Court
for

District of New Jersey

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Rafael E. Soriano

Cr.: 06-00597-01
PACTS Number: 10276

Name of Sentencing Judicial Officer: William H. Walls, Sr. USDJ

Date of Original Sentence: 08/18/10

Original Offense: Fraud and False Statements

Original Sentence: 15 months imprisonment; 1 year supervised release; \$34,909 in restitution; \$100 special assessment

Type of Supervision: Supervised Release

Date Supervision Commenced: 10/28/11

PETITIONING THE COURT

- ☐ To extend the term of supervision for Years, for a total term of Years.
☒ To modify the conditions of supervision as follows. The addition of the following special condition(s):

OTHER CONDITION

"The defendant shall make restitution in the amount of \$34,909 in monthly payments of no less than \$50. This payment plan shall continue until such time as the Court is notified by the defendant, the victim, or the government that there has been a material change in your ability to pay."

CAUSE

At the time of sentencing, the Court ordered Soriano to remit monthly payments of no less than \$100 toward the restitution obligation. Soriano has been employed since his release from prison; however, he earns very little income. As verified by paystubs, Soriano's net monthly income is \$845. Soriano's wife also does not earn a lot of income. As a result, he has been unable to remit the stipulated amount. The Monograph 109 indicates "the payment plan should reflect the maximum payment that the offender can reasonably manage given documented income and necessary expenses." Based on the information submitted, it appears a fair and equitable payment would be a payment of no less than \$50 per month. Soriano has signed the attached Probation Form 49 (Waiver of Hearing to Modify Conditions of Supervised Release), requesting the Court's consideration in setting the lower monthly payment.

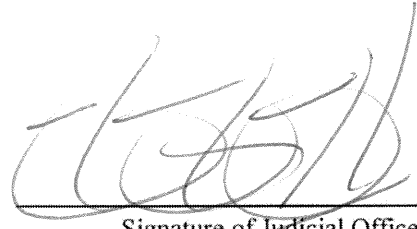
Respectfully submitted,



By: Denise Morales
U.S. Probation Officer
Date: 04/03/12 *KJM*

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
- ☐ The Extension of Supervision as Noted Above
- ☐ No Action
- ☐ Other



Signature of Judicial Officer

17 April 2012

Date

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

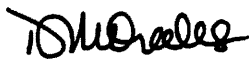
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

OTHER CONDITION

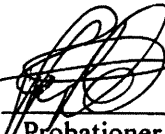
"The defendant shall make restitution in the amount of \$34,909 in monthly payments of no less than \$50. This payment plan shall continue until such time as the Court is notified by the defendant, the victim, or the government that there has been a material change in your ability to pay."

Witness: _____



U.S. Probation Officer
Denise Morales

Signed: _____



Probationer or Supervised Releasee
Rafael Soriano

4/3/12
DATE